In the High Court of Punjab and Haryana, Chandigarh

C.W.P. No. 15822 of 2006

Date of Decision: September 29, 2006

Kamlesh Kumari …Petitioner

Versus

State of Haryana and others …Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr. R.D. Yadav, Advocate,
for the petitioner.

JUDGMENT

M.M. KUMAR, J. (Oral)

The petitioner is a handicapped person, who had applied for the post of Anganwari Worker. She earlier filed a writ petition in this Court being C.W.P. No. 9027 of 2006, which was disposed of on 31.5.2006, directing the respondents to take cognisance of her representation and pass a speaking order. Accordingly, the impugned order dated 22.8.2006 (P-9)has been passed, which is subject matter of challenge in the instant petition. In para 5 of the impugned order the Programme Officer has noticed that the petitioner although is 70% handicapped but she is neither in a position to walk with ease and comfort nor she could write fluently because of her deformity due to right sided Hemiparesis as mentioned in her medical certificate, which is placed on record as Annexure P-2. It has further been mentioned that there is an essential requirement and mandatory condition for the selection of Anganwari Worker imposed by letter

dated 1.12.2000, in respect of Anganwari Workers. Such Anganwari Workers are required to complete day to day paper work/records etc. and to do daily different activities of Pre-School Education and other miscellaneous work assigned to them such as immunization, weighing of children, home visit and attending various monthly meetings etc. It was for the aforementioned reasons that the Selection Committee did not find the petitioner as a person fit, suitable and eligible under the priority and special preference to be given to her. It was in these circumstances that no weightage of being handicapped was given to her as her handicapped status was a hindrance in doing the above mentioned routine job, chart and work assigned to an Anganwari Worker.

Having heard the learned counsel, we find that there is no legal infirmity in the view taken by the Programme Officer, who have passed the order dated 22.8.2006 (P-9). The very purpose of employing a person is to get the duties of post performed from him/her. If she is incapable of performing her day to day duties allocated to an Anganwari Worker, it is un-suitable that she could be employed for such a purpose. Therefore, we do not find any merit in the instant petition and the same is dismissed.

(M.M. KUMAR)
JUDGE

(M.M.S. BEDI)

September 29, 2006 **JUDGE**

Pkapoor